IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 541 OF 1999

Shankar Ramkrishna & others. ... Appellants.

Versus.

Bhiwandi Nizampur Municipal Council. ... Respondents.

Shri P.K.Dhakephalkar for the Appellants.

Shri R.M.Agarwal for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 10th March, 2005.

P.C.:

1. Heard Shri Dhakephalkar for the Appellants and Shri Agarwal for the Respondents. After arguing the matter for sometime the learned Counsel appearing for the parties agree that the Appeal may be disposed of by the following order:

(i) Notice dated 19th February 1977 issued by the erstwhile Respondent-Municipal Council will be treated as a show cause notice and it will be open for the Appellants to file reply to the said showcause notice within a period of two weeks from today.

(ii) The concerned Officer of the Bhiwandi Nizampur Municipal Corporation will pass appropriate order after hearing the Appellants and after considering their reply, if any, within a period of 8 weeks from today.

(iii) In case the order passed is adverse to the Appellants, the parties will maintain statusquo as of today in respect of the suit structure for a period of two weeks from the date of communication of the said order to the Appellants.

(iv) In case the said order is adverse to the Appellants, it will be open for them to challenge the said order in accordance with the law by filing appropriate proceedings. The Appellants will give advance notice of the said proceedings filed by them to the Municipal Corporation.

(v) All contentions of the parties on merit are expressly kept open.

(vi) In view of the above, the impugned Judgments and Decrees are quashed and set aside and the Second Appeal is disposed of in the above terms with no order as to costs.

(vii) The parties and all concerned to act on an authenticated copy of this order.

Judge.